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Your Ref.: 53466/201

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July 18, 1997

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Washington, D.C. 20007-5109
U. S. A.

Via Facsimile
Total No. of Pages 2

Re: U.S. Patent Application No. 08/817,507
derived from PCT/JP95/02169
Tadamitsu KISHIMOTO, et al.

Dear Sirs:

Thank you for your facsimile letter of July 16, 1997,
regarding the above-identified case.

The second inventor's first name, Asao, is written in
kanji (Chinese characters) "朝夫". In the kanji "朝夫",
"朝" can be translated as either "Tomo" or "Asa".

In the request of the original PCT application, we have
mistakenly translated as "Tomo", instead of translating as
"Asa".

Regarding the third inventor, his last name on the
original PCT application was indicated "Hirouki" by a
typographical error when it should have been "Hiroyuki".

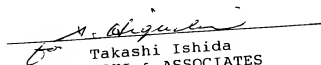
In this context, please prepare and file with the USPTO
a petition explaining how the error was made in the names on

the original PCT documents, in advance of due date August 2, 1997.

Should you need any further information, please let us know.

Thank you for your cooperation in this matter.

Very truly yours,


Takashi Ishida
A. AOKI & ASSOCIATES

08/817507

U.S. APPLICATION NO.

08/817.507

KISHIMOTO

5611

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FIRST NAMED APPLICANT

ATTY. DOCKET NO.

T

53466/201

INTERNATIONAL APPLICATION NO.

PCT/JP95/02169

I.A. FILING DATE

PRIORITY DATE

10/20/95

10/21/94

DATE MAILED:

06/02/97

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

☐ a Designated Office (37 CFR 1.494);
☐ an Elected Office (37 CFR 1.495);

☒ U.S. Basic National File;
☒ Copy of the international application in:

☐ a non-English language;
☐ English.

☒ Translation of the international application into English.
☒ Oath or Declaration of inventor(s) for DO/EO/US.

☒ Copy of Article 19 amendments.
☒ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.
☒ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 17 APR 1997 and and
☒ Information Disclosure Statement(s) filed and

☐ Assignment document.
☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed
☐ Verified Statement Claiming Small Entity Status.

☐ Priority Document.
☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice **MUST** be returned with this response.

Enclosed: ☒ PCT/DO/EO/917
☐ PTO-875

☐ Notice of Defective Translation

FORM PCT/DO/EO/905 (September 1996)

Telephone: (703)305-3734



UNITED STATES DEPT. OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20514

1. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
2. PRIORITY NO.	3. FILING DATE	4. PRIORITY DATE
5. INTERNATIONAL APPLICATION NO.	6. FILING DATE	7. PRIORITY DATE
8. FILING DATE	9. PRIORITY DATE	10. PRIORITY DATE
11. FILING DATE	12. PRIORITY DATE	13. PRIORITY DATE
14. FILING DATE	15. PRIORITY DATE	16. PRIORITY DATE
17. FILING DATE	18. PRIORITY DATE	19. PRIORITY DATE
20. FILING DATE	21. PRIORITY DATE	22. PRIORITY DATE
23. FILING DATE	24. PRIORITY DATE	25. PRIORITY DATE
26. FILING DATE	27. PRIORITY DATE	28. PRIORITY DATE
29. FILING DATE	30. PRIORITY DATE	31. PRIORITY DATE
32. FILING DATE	33. PRIORITY DATE	34. PRIORITY DATE
35. FILING DATE	36. PRIORITY DATE	37. PRIORITY DATE
38. FILING DATE	39. PRIORITY DATE	40. PRIORITY DATE
41. FILING DATE	42. PRIORITY DATE	43. PRIORITY DATE
44. FILING DATE	45. PRIORITY DATE	46. PRIORITY DATE
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92. FILING DATE	93. PRIORITY DATE	94. PRIORITY DATE
95. FILING DATE	96. PRIORITY DATE	97. PRIORITY DATE
98. FILING DATE	99. PRIORITY DATE	100. PRIORITY DATE

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☐ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☒ does not identify the inventor(s). *Change name (MPEP 605.04(c)) #2 inventor*
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) and (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.55.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

Crutcher, John
Patent Attorney
Telephone: (703) 305-3734

#3154-130
PTO/PCT Rec'd 04 AUG 1997

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 53466/201

In re patent application of
Tadamitsu KISHIMOTO et al.

Serial No.: 08/817,507

Filed: April 17, 1997

For: PHARMACEUTICAL COMPOSITION FOR TREATMENT OF
DISEASES CAUSED BY IL-6 PRODUCTION

RESPONSE TO NOTIFICATION OF MISSING
REQUIREMENTS UNDER 35 U.S.C. 371

RECEIVED

02 OCT 1997

Legal Staff
International Division

Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Notification of Missing Requirement Under 35 U.S.C. 371 in the above-referenced application mailed on June 2, 1997. Accompanying this response is a check in the amount of \$110 and a petition for a one-month extension of time, such that a response is due by August 4, 1997. Should this request or associated fee be deficient or absent, please consider this paragraph to be an authorization to withdraw the appropriate fee under 37 CFR §§1.16 to 1.21 from PTO deposit account No. 19-0741.

REMARKS

The PCT Office states that the oath or declaration does not comply with 37 CFR § 1.497(a) and (b) because the oath or declaration does not identify the inventors. Specifically, it is noted that the first name of second inventor is changed from "Tomo" on the original PCT filing documents in the Japanese Patent Office to "Asao" on the Declaration and Power of Attorney filed on April 17, 1997 in United States Patent & Trademark Office.

It is also noted that the third inventor's last name is spelled incorrectly due to a typographical error.

08817507-04-1797

09/02/1997 KINCHIKI 00000125 00017507 130.00 00
02 Pct154

Attorney Docket No. 053466/0201

The name on the original PCT papers was "Hirouki" when it should have been "Hiroyuki".

Attached is a Petition under CFR §1.182 which thoroughly explains how this error in the original PCT application filing documents occurred. The petition requests that the Declaration and Power of Attorney filed on April 17, 1997 be accepted as satisfying the requirements for acceptance under 35 U.S.C. § 371 as of April 17, 1997.

It is believed that this is a bona fide response to the Notification of Missing Requirements under 35 U.S.C. 371.

Respectfully submitted,

August 4, 1997

James A. Helzlsouer Reg. No. 34,485
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08817507-041797